

REMARKS

Claims 1, 5, 6, and 8-10 are currently pending. Applicant has cancelled claim 7, but reserves the right to introduce a claim of similar matter into a future application. Applicant has amended claims 1 and 6. Applicant has added new claims 8-10. No new matter has been added. Applicant thanks the Examiner for the allowance of claim 5. Claims 1, 6 and 7 have been rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, rejected under U.S.C. §103(a) as obvious over Kobayashi et al. (US 6,403,842).

For at least the reasons stated below, Applicants respectfully traverse the rejections, and request the entry of the amendments proposed herein in order to place the application in form for allowance, and further request the reconsideration of this application as amended in light of the remarks presented herein.

35 U.S.C. § 102 and §103 Rejections

Claims 1, 6 and 7 have been rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, rejected under U.S.C. §103(a) as obvious over Kobayashi et al. (US 6,403,842), hereinafter Kobayashi.

With respect to claim 1, applicant respectfully contends that Kobayashi does not disclose or teach :

purifying said acetic anhydride to reduce diketene concentration, such that said purified acetic anhydride, after performing a heat treatment of between 80 and 120 degrees Celsius for at least 5 hours, has a hue value of 10 ALPHA units or less subsequent to a sulfuric acid coloring test;

conducting the ring-opening-polymerization with said purified acetic anhydride and said acid catalyst.

While Kobayashi does disclose performing a heat treatment on the purified acetic anhydride “in a sealed glass tube at 160 °C for two hours” and that the resulting anhydride “remained colorless” [Examples 1-3, col 5 and 6], these cited conditions do not disclose the specific conditions of *a heat treatment of between 80 and 120 degrees Celsius for at least 5 hours*

resulting in an anhydride having *a hue value of 10 ALPHA units or less subsequent to a sulfuric acid coloring test*. The temperature and time ranges are completely different, and there is no indication in Kobayashi that hue was quantitatively measured following the anhydride heat treatment.

With respect to the Examiner's assertion of a *prima facie* case of obviousness under 35 U.S.C 103(a), Kobayashi does not teach or suggest the claim limitations cited above for claim 1, alone or in combination with any known art. There is no indication in Kobayashi, that the heat treatment conditions cited in Kobayashi (160 °C, 2 hrs) would yield an equivalent process to that cited in the applicant's claim 1. There is no indication in Kobayashi that a quantitative measurement of hue (via a sulfuric acid coloration test) was made on the anhydride subsequent to the heating test. The observation of "colorless" does not teach the quantitative conditions of a "*hue value of 10 ALPHA units or less*" in the absence of some disclosed correlation between the qualitative observation of color and specific hue measurements. Further, Kobayashi discloses that the impure anhydride, with 100 ppm of diketenes, following the same heat treatment, produced an anhydride only "slightly colored" [Comparative Example 1, col 6, lines 18-21]. This calls into question whether the qualitative observation of color is sufficiently sensitive to lead one of ordinary skill in the art to believe that there would be a reasonable expectation of success in substituting the observation of color for the specific measurement disclosed in the applicant's invention. Therefore, in light of the preceding arguments, the Applicant asserts that claim 1 is patentable.

With respect to claim 6, Applicant respectfully asserts that the Examiner's arguments are mute in light of the newly amended claim. Applicant further asserts that Kobayashi does not disclose or suggest, alone or in combination with any known art, *a method of producing polyoxotetramethylene glycol by ring-opening-polymerization of tetrahydrofuran in the presence of the acetic anhydride and an acid catalyst, comprising:*

purifying said acetic anhydride by treatment of an ozone-containing gas after distilling crude acetic anhydride containing ketenes.

In light of the above, the Applicant respectfully asserts that claim 6 is patentable.

With respect to newly added claims 8, 9, and 10, which are proper dependent claims reporting to a patentable independent claim, the Applicant respectfully asserts they are also patentable.

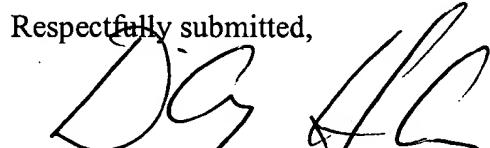
CONCLUSION

Applicant submits that all pending claims 1, 5, 6, and 8-10 are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (650) 320-4302. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 02-3964 (Reference 60586-300501).

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Respectfully submitted,


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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any attachments referred to as being enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in the envelope addressed to: Mail Stop Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: May 14, 2003

By: 
Helen J. Spiegel